

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In re: RONALD KEITH OWENS

Case No.: 22-20505-drd-13

Debtor

TRUSTEE'S OBJECTION TO CLAIM 1 OF LVNV FUNDING LLC

COMES NOW Richard V. Fink, Chapter 13 Trustee, and hereby objects to Proof of Claim filed by creditor LVNV FUNDING LLC, in the amount of \$1,862.36, and filed on December 15, 2022. The court claim number is 1.

Your claim may be reduced, modified, or eliminated. You should read this document carefully and discuss it with your attorney, if you have one.

Pursuant to Local Rule 3007-1 (C), the Claimant shall have 30 days after service of the Objection in which to file a Response, if you do not want the court to eliminate or change your claim. The Response shall be in writing and state why the claim should be allowed as filed. If a Response is filed, the Court will schedule a hearing. If no timely Response is filed, the Court will enter an Order sustaining the Objection to the Claim. Parties not represented by an attorney shall mail a Response to the Court at **U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106**. Debtor(s) not represented by an attorney must be served a copy of the Response by regular mail. If your Response is mailed, it must be early enough so that the court will receive it on or before 30 days after service of the Objection.

The basis for the objection is as follows:

1. LVNV FUNDING LLC ("creditor") filed a non-priority unsecured proof of claim (Court Claim No. 1) on December 15, 2022 in the amount of \$1,862.36.
2. In the supporting documentation, the creditor includes the following information:
 - a. Account charge off date: April 30, 2009
 - b. Last payment date: September 17, 2008
 - c. Last transaction date: May 22, 2008
3. Federal courts sitting in Missouri apply Missouri statutes of limitations to cases being heard in Missouri. See Master Mortg. Inv. Fund v. Am. Nat'l Fire Ins. Co. (In re Master Mortg. Inv. Fund), 151 B.R. 513 (Bankr. W.D. Mo. 1993).
4. Pursuant to Section 516.110 R.S.Mo, Section 516.120 R.S.Mo and Section 516.160 R.S.Mo, it appears that the collection of this debt is barred by the Missouri statutes of limitation.
5. The trustee's knowledge of this debt is based on Court Claim No. 1 as filed with Court. The trustee is unable to determine if there is information beyond that which is listed in Court

Claim No. 1 that would affect the analysis of whether the collection of this debt is barred by the Missouri statutes of limitation or other applicable law.

WHEREFORE, the trustee requests that Court Claim No. 1 be disallowed in its entirety.

December 30, 2022

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee
2345 Grand Blvd., Ste. 1200
Kansas City, MO 64108-2663
(816) 842-1031

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

DEBTOR(S)
LVNV FUNDING LLC (91051)

/s/ Richard V. Fink, Trustee

LL /Objection - Claim - Stale Debt